

HOUSE BILL REPORT

HB 2768

As Reported by House Committee On:
Environmental Health, Select

Title: An act relating to changes in calling burn bans on solid fuel burning devices.

Brief Description: Regarding changes in calling burn bans for solid fuel burning devices.

Sponsors: Representatives Campbell, Hunt and Wood.

Brief History:

Committee Activity:

Select Committee on Environmental Health: 1/22/08 [DP].

Brief Summary of Bill

- Lowers the trigger points for calling burning bans on solid fuel burning devices.
- Requires reporting if second stage burn bans are called without first calling a first stage burn ban.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: Do pass. Signed by 7 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Sump, Ranking Minority Member; Chase, Hunt, Morrell and Wood.

Minority Report: Do not pass. Signed by 1 member: Representative Newhouse.

Staff: Brad Avy (786-7289).

Background:

Nearly half of Washington's households have wood burning devices. During the past 20 to 25 years, the number of wood stoves, fireplaces, pellet stoves, and fireplace inserts in Washington has grown rapidly. Wood burning units can emit hundreds of times more pollution than other forms of heat such as natural gas, electricity, or oil.

Washington's wood heat regulation implements the 1991 Legislature's Clean Air Washington Act. This legislation restricts indoor burning, tightens emission standards for new wood

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

stoves and other solid fuel burning devices, and emphasizes education and enforcement to control wood stove pollution.

Since 1997, all fireplaces offered for sale in Washington must meet certification standards comparable to wood stove standards. Masonry fireplaces must also meet design standards that achieve similar emission reductions. The State Building Code Council devised fireplace construction standards and testing methods to meet this emission requirement.

In September 2006 the U.S. Environmental Protection Agency issued revised national air quality standards for fine particle pollution (PM_{2.5} – particles 2.5 micrometers in diameter and smaller). This strengthened the previous daily fine particle standard from 65 micrograms of particles per cubic meter to 35 micrograms of particles per cubic meter of air. This standard increases protection of the public from short-term exposure to fine particles.

Some communities are unable to meet these new standards, primarily because of wood smoke emissions. The current strategies are not sufficient to reduce wood smoke emissions to levels which comply with the federal standards or adequately protect public health.

In 2007 the Department of Ecology was charged by the Legislature to convene and chair a work group to study the impacts of wood smoke from solid fuel burning devices on communities in Washington. Recommendations of this work group have been provided to the Legislature on practical and cost-effective opportunities to reduce exposure to wood smoke from solid fuel burning devices and meet the new national air quality standards for fine particulates. House Bill 2768 is one outcome of the work group study.

Summary of Bill:

This act changes the criteria for calling burn bans for solid fuel burning devices.

First Stage Burn Ban

The criteria for a first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter, measured on a 24-hour average, within 48 hours. (Existing law requires measurement of these levels before calling a first stage burn ban.)

Second Stage Burn Ban

A second stage of impaired air quality is reached when:

- a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend when fine particulates are at an ambient level of 25 (reduced from 60) micrograms per cubic meter measured on a 24-hour average; and
- forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below 25 (reduced from 60) micrograms per cubic meter for a period of 24

(reduced from 48) hours or more from the time that the fine particulates are measured at the trigger level.

A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur:

- fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24 hour average;
- meteorological conditions have caused fine particulate levels to rise rapidly;
- meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24-hour average, within 24 hours; and
- meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

When a second stage burn ban is called without calling a first stage burn ban, the Department of Ecology (Department) or the local air pollution control authority calling the second stage burn ban must evaluate the effectiveness of the burn ban programs and provide a joint report to the Legislature by September 1, 2011.

The Department, or any local air pollution control authority that has called a second stage burn ban without first calling a first stage burn ban shall prepare a written report describing:

- the meteorological conditions that resulted in their calling the second stage burn ban;
- whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and
- any changes the Department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

After consulting with affected parties, the Department must prescribe the format of such a report and may also require additional information be included in the report. All reports must be sent to the Department and the Department shall keep the reports on file for not less than five years and available for public inspection and copying.

This bill removes the provision where, until June 30, 2009, an authority may determine by rule an alternative ambient air level of fine particulates that defines when a first stage and when a second stage of impaired air quality exists.

Appropriation: None.

Fiscal Note: Requested on January 18, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Burn ban trigger points need to change in order to comply with federal law or the state will face sanctions, including limits on construction or loss of federal transportation funding. The reporting requirement is good to have because it is important to know why a second stage burn ban has been called without first calling a first stage burn ban. It is essential to update the criteria that will allow this critical program to become effective again. The bill is a product of the wood smoke work group set in motion last year by House Bill 2261. This bill provides a tool to get non-attainment areas back into attainment. Controlling the level of fine particulate matter in the air is a critical public health issue for the very young and elderly. Breathing particulate matter causes or worsens asthma and other respiratory diseases. High levels of fine particulate matter can also be a trigger for heart disease and stroke.

(Opposed) None.

Persons Testifying: (In support) Representative Campbell, prime sponsor; Bob Saunders, Department of Ecology; Gregg Grunenfelder, Department of Health; Gary Smith, Independent Business Association; and Dennis McLerran, Puget Sound Clean Air.

Persons Signed In To Testify But Not Testifying: None.